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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,280	04/10/2006	Ian Orde Michael Jacobs	186813/US (461124-101)	3462
75149	7590	02/23/2010		
Dorsey & Whitney LLP Intellectual Property Department - SF Columbia Center 701 Fifth Avenue, Suite 6100 Seattle, WA 98101-7043			EXAMINER HUSON, MONICA ANNE	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 02/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,280

Applicant(s)

JACOBS, IAN ORDE MICHAEL

Examiner

MONICA A. HUSON

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

This office action is in response to the Amendment filed 2 December 2009.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-20, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al. (U.S. Patent 6,838,523). Regarding Claims 13-15, and 20, Williams et al., hereafter "Williams," show that it is known to carry out a method for the manufacture of thin walled articles (Abstract), including injection molding a blend of (a) at least one polymer having an MFI of greater than 100 (Column 2, lines 35-38; it is interpreted that Williams' "greater than 50" inherently includes MFI's greater than the claimed 100), and (b) at least one high melt flow compatible polymer having an MFI of greater than 300 (Column 2, lines 38-42). The examiner recognizes that all of the claimed physical properties (i.e. blend MFI) are not positively stated by the reference. Note however that the reference teaches all of the claimed ingredients, process steps, and process conditions and thus, the claimed physical properties would inherently be achieved by carrying out the disclosed process. If it is applicant's position that this would not be the case: (1) evidence would need to be provided to support applicant's position, and (2) it would be the examiner's position that the claims contain inadequate disclosure in that there is no teaching as to how to obtain the claimed properties by carrying out only those steps.

Regarding Claim 16, Williams shows the process as claimed as discussed in the rejection of Claim 13 above, including a method wherein at least one of (a) and (b) includes a polymer formed using a metallocene catalyst system (Column 2, lines 56-58).

Regarding Claim 17, Williams shows the process as claimed as discussed in the rejection of Claim 16 above, including a method wherein both components (a) and (b) include a polypropylene and/or an ethylene polymer (Column 2, lines 35-42).

Regarding Claim 18, Williams shows the process as claimed as discussed in the rejection of Claim 13 above, including a method wherein component (a) is present in an amount of from 40-99 wt% and forms the co-continuous phase of the blend (Column 2, lines 35-38).

Regarding Claims 19 and 25, Williams shows the process as claimed as discussed in the rejection of Claim 13 above, including a method wherein the (b) polymer includes polypropylene whose structure improves the environmental stress crack resistance (Column 2, lines 53-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, in view of Agarwal et al. (U.S. Patent 6,407,171).

Regarding Claim 21, Williams shows the process as claimed as discussed in the rejection of Claim 13, but he does not show annealing the article. Agarwal et al., hereafter "Agarwal," shows that it is known to mold a PP/PE blend article including annealing the thin walled article (Column 8, lines 43-49). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use

Agarwal's annealing step during Williams' molding process in order to improve the unload power of the film (see Agarwal, Column 8, lines 43-45).

Regarding Claim 23, Williams shows the process as claimed as discussed in the rejection of Claim 13 above, but he does not specify the extractable content of the composition. Agarwal shows that it is known to carry out a method of molding a PP/PE composition wherein the extractable content is less than or equal to 2% (Column 8, lines 16-24). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form Williams' composition according to the teachings of Agarwal's extractable content compositions in order to enhance reblock and clarity (see Agarwal, Column 1, lines 61-64).

Regarding Claim 24, Williams shows the process as claimed as discussed in the rejection of Claim 13 above, but he does not mention the crystallinity of his polymers. Agarwal shows that it is known to carry out a method of molding a PP/PE blend wherein PE has a higher crystallinity than PP (PE crystallinity of 10% (Column 12, lines 58-60); PP crystallinity of 5% (Column 5, lines 64-66)). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Agarwal's crystallinity suggestions for Williams' composition in order to create the desired physical and chemical properties required by the customer.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, in view of Schumann et al. (U.S. Patent 5,513,563). Williams shows the process as claimed as discussed in the rejection of Claim 13 above, but he does not show including nanoparticles in his composition. Schumann et al., hereafter "Schumann," shows that it is known to create a PP/PE composition including nanoparticles dispersed therein (Column 6, lines 18-35; it is interpreted that a 6 μ m (=6000nm) particle meets the nanoparticle feature). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Schumann's nanoparticles in Williams' composition in order to render the film transparent to light (see Schumann, Column 6, lines 12-17), protecting whatever may be contained within the film from light alteration.

Response to Arguments

Applicant's arguments with respect to claims 13-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MONICA A. HUSON** whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

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